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August 22, 2011

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

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Office of Proceedings

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Re: *STB Finance Docket No. 35305*

Dear Ms. Brown.

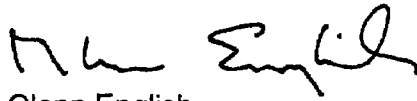
Consumers United for Rail Equity ("CURE") respectfully urges the Board to grant the Petition recently filed by the Western Coal Traffic League ("WCTL") in the above docket (*Coal Dust Case*) asking the Board to reopen the record in the *Coal Dust Case* to address BNSF Railway Company's ("BNSF's") revised Coal Dust Tariff (BNSF Tariff 6041-B); initiate a Board-supervised, non-binding mediation; and enjoin the effective date of the new tariff during the pendency of the mediation.

CURE is an incorporated, non-profit advocacy group that seeks fair and reasonable rail policies for its members, who are individual rail-dependent rail customers and some of their trade associations. Included in CURE are a number of electric utilities that generate electricity from coal transported from the Powder River Basin ("PRB") mines by rail. These electric utilities and the consumers who purchase electricity from these utilities are directly affected by the new BNSF tariff. The consumers of the electricity generated by these utilities ultimately pay, through their electric bills, every dollar paid to the BNSF for the transportation of PRB coal.

In light of the complexity of the issues involved, the importance of this issue to utilities dependent on the BNSF for coal transportation and the potential financial impact of this issue on the customers of these utilities, CURE believes that an injunction plus mediation, as requested by WCTL, is the appropriate remedy for this matter. If all parties enter the mediation in good faith, a reasonable resolution acceptable to all parties should be within reach.

In conclusion, CURE fully supports the WCTL petition, and respectfully requests that the Board promptly take all appropriate actions to deny unreasonable carrier-imposed mandates on their customers and on consumers.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn English". The signature is fluid and cursive, with the first name "Glenn" written in a more compact, stylized manner and the last name "English" written more fully.

Glenn English
Chairman
Consumers United for Rail Equity

cc: All Parties of Record to Docket No. 35305